

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARK EDWARD STRICKLEN,
Plaintiff,
v.
C. NORDTROM,
Defendant.

Case No.: 1:23-cv-00537 CDB

ORDER REQUIRING DEFENDANT COLIN NORDSTROM TO SHOW CAUSE WITHIN THIRTY DAYS WHY DEFAULT SHOULD NOT BE ENTERED

(Doc. 12)

TWENTY-ONE (21) DAY DEADLINE

ORDER DIRECTING CLERK'S OFFICE TO SERVE COURTESY COPY

Plaintiff Mark Edward Stricklen is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The action proceeds on Plaintiff's Eighth Amendment deliberate indifference to serious medical needs claim against Defendant C. Nordstrom.¹ (*See* Doc. 8.)

On May 18, 2023, the Court found service of the complaint appropriate, via the Court's e-service pilot program, as to Defendant C. Nordstrom. (Doc. 9.)

On June 28, 2023, the California Department of Corrections and Rehabilitation filed its Notice of E-Service Waiver, indicating personal service would not be waived on Colin

¹ The Court refers to the defendant as "C. Nordstrom" or "Colin Nordstrom" —as reflected on the USM-285 form.

1 Nordstrom's behalf. (Doc. 11.) Therefore, in accordance with the Court's service order issued
2 May 18, 2023, personal service was to be effected by the United States Marshal.

3 On September 22, 2023, the United States Marshal filed its USM-285 form indicating that
4 "McGinnis – Admin Assistant" at Management Solutions in Long Beach, California, accepted
5 service of the summons and complaint on behalf of Colin Nordstrom on September 6, 2023.
6 (Doc. 12.) The summons provides that defendant is "required to serve ... an answer to the
7 complaint which is served on you with this summons, **within 21 days after service of this**
8 **summons on you**, exclusive of the day of service." (Doc. 10, emphasis in original.) *See* Fed. R.
9 Civ. P. 12(a)(1)(A)(i).

10 More than 21 days have passed since the summons and complaint were served on Colin
11 Nordstrom, but Defendant Nordstrom has not filed an answer to the complaint.

12 Accordingly, **IT IS HEREBY ORDERED** that:

13 1. Within **twenty-one (21) days** from the date of service of this order, Defendant Nordstrom
14 shall show cause why default should not be entered against him;

15 2. To facilitate the ability to comply with this order, Defendant Nordstrom's obligation to
16 respond to the complaint is extended **twenty-one (21) days** from the date of service of this
17 order; and

18 3. The Clerk's Office shall serve a courtesy copy of this order on Colin Nordstrom at the
19 address listed in the USM-285 form filed September 22, 2023 (Doc. 12).

20 IT IS SO ORDERED.

21 Dated: October 17, 2023


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UNITED STATES MAGISTRATE JUDGE
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